

Under what conditions does an agency or organization need a license to provide home based health or personal assistant services in the state of Kansas?

Pursuant to K.S.A. 65-5102, an agency or organization holding itself out as a home health agency is required to be licensed. "Home health agency" is defined in K.S.A. 65-5101(b) as any private agency or organization providing home health services at the temporary or permanent residence of a patient for a fee. "Home health services" are defined in K.S.A. 65-5101(c) as including attendant care services. Attendant care services include such activities as assisting an individual to get in and out of bed, dressing and undressing, administration of medication, wound care, incontinence care, bathing, medication reminders, personal hygiene, help with mobility and feeding, commonly known as "hands-on" care. [See K.S.A. 65-6201(b)].

Although an agency or organization may not use the term "home health agency" in its title or the description of services it provides, if it advertises services which include those described above, it is holding itself out as a "home health agency" and is required to be licensed.

An agency or organization is not required to obtain a license if the agency or organization only provides companion services or chores services such as housekeeping, light meal preparation, bill paying or grocery shopping and does not provide "hands on" care. Licensure is also not required in the following circumstances:

- a) Individuals personally providing one or more home health services if such persons are not under the direct control and doing work for and employed by a home health agency;
- b) Attendant care services provided under K.S.A. 65-6201 (Community Based Medicaid Waiver Programs), directed by or on behalf of an individual if the individuals performing such services are not under the direct control and doing work for and employed by a home health agency;
- c) An agency of a recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church, religious denomination or sect;
- d) A hospice which is certified under the Center for Medicare and Medicaid Services (CMS) and provides services only to hospice patients; or,
- e) An outpatient physical therapy agency (OPPT) which is certified under the Center for Medicare and Medicaid Services (CMS) and provides Physical Therapy, Occupational Therapy, or Speech services to clients in their home.